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7 **BEFORE THE**
8 **BOARD OF REGISTERED NURSING**
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. **2010-519**

12 **MOLLY LOUISE ROMBALSKI**
13 **a.k.a. MOLLY LOUISE JACKSON**
14 **6087 Purdue Drive**
15 **Eureka, CA 95503**

A C C U S A T I O N

16 **Registered Nurse License No. 535912**

17 Respondent.

18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
21 official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department
22 of Consumer Affairs.

23 2. On or about August 25, 1997, the Board of Registered Nursing issued Registered
24 Nurse License Number 535912 to Molly Louise Rombalski, aka Molly Louise Jackson
25 (Respondent). The Registered Nurse License was in full force and effect at all times relevant to
26 the charges brought herein and will expire on July 31, 2011, unless renewed.

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1 JURISDICTION

2 3. This Accusation is brought before the Board of Registered Nursing (Board),
3 Department of Consumer Affairs, under the authority of the following laws. All section
4 references are to the Business and Professions Code unless otherwise indicated.

5 STATUTORY PROVISIONS

6 4. Section 2750 of the Business and Professions Code provides, in pertinent part, that
7 the Board may discipline any licensee, including a licensee holding a temporary or an inactive
8 license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing
9 Practice Act.

10 5. Section 2764 of the Business and Professions Code provides, in pertinent part, that
11 the expiration of a license shall not deprive the Board of jurisdiction to proceed with a
12 disciplinary proceeding against the licensee or to render a decision imposing discipline on the
13 license. Under section 2811(b) of the Code, the Board may renew an expired license at any time
14 within eight years after the expiration.

15 6. Section 2761 of the Business and Professions Code states, in pertinent part:

16 "The board may take disciplinary action against a certified or licensed nurse or deny an
17 application for a certificate or license for any of the following:

18 "(a) Unprofessional conduct, which includes, but is not limited to, the following:

19 ...

20 "(f) Conviction of a felony or of any offense substantially related to the qualifications,
21 functions, and duties of a registered nurse, in which event the record of the conviction shall be
22 conclusive evidence thereof.

23 ...

24 7. Section 2762 of the Business and Professions Code states, in pertinent part:

25 "In addition to other acts constituting unprofessional conduct within the meaning of this
26 chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this
27 chapter to do any of the following:

28 / / /

1 "(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed
2 physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish or
3 administer to another, any controlled substance as defined in Division 10 (commencing with
4 Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as
5 defined in Section 4022.

6 ...

7 8. Section 490 of the Business and Professions Code provides, in pertinent part, that a
8 board may suspend or revoke a license on the ground that the licensee has been convicted of a
9 crime substantially related to the qualifications, functions, or duties of the business or profession
10 for which the license was issued.

11 9. Section 125.3 of the Business and Professions Code provides, in pertinent part, that
12 the Board may request the administrative law judge to direct a licensee found to have committed
13 a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the
14 investigation and enforcement of the case.

15 10. California Code of Regulations, title 16, section 1444, provides, in pertinent part, that
16 a conviction or act shall be considered to be substantially related to the qualifications, functions
17 or duties of a registered nurse if to a substantial degree it evidences the present or potential
18 unfitness of a registered nurse to practice in a manner consistent with the public health, safety, or
19 welfare.

20 11. Health and Safety Code section 11357(c) provides: Except as authorized by law,
21 every person who possesses more than 28.5 grams of marijuana, other than concentrated
22 cannabis, shall be punished by imprisonment in the county jail for a period of not more than six
23 months or by a fine of not more than five hundred dollars (\$500), or by both such fine and
24 imprisonment.

25 / / /

26 / / /

27 / / /

28 / / /

1 FIRST CAUSE FOR DISCIPLINE

2 (Conviction of a Crime)

3 12. Respondent is subject to disciplinary action under Business and Professions Code
4 sections 490 and 2761(f) in that she was convicted of a crime substantially related to the
5 qualifications, functions or duties of a registered nurse. The circumstances are as follows:

6 13. On or about October 23, 2009, in a criminal proceeding entitled People of the State of
7 California v. Molly Louise Rombalski in Mendocino County Superior Court, Case No. SCUK-
8 CRCR 09-91820-3, respondent was convicted by her plea of no contest to violating Health and
9 Safety Code section 11357(c) (Possession of more than 28.5 grams of marijuana), a
10 misdemeanor.

11 SECOND CAUSE FOR DISCIPLINE

12 (Unprofessional Conduct – Possession of Drugs)

13 14. Respondent is subject to disciplinary action under Business and Professions Code
14 section 2761(a) on the grounds of unprofessional conduct, as defined by Business and Professions
15 Code section 2762(a), in that she was in possession of marijuana, a controlled substance as
16 defined in Division 10, section 11054 of the Health and Safety Code. The circumstances are set
17 forth above in paragraph 14.

18 THIRD CAUSE FOR DISCIPLINE

19 (Unprofessional Conduct)

20 15. Respondent is subject to disciplinary action under Business and Professions Code
21 section 2761(a) in that she was convicted of being in possession of more than 28.5 grams of
22 marijuana, a controlled substance as defined in Division 10 of the Health and Safety Code. The
23 circumstances are set forth above in paragraph 14.

24 PRAYER

25 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
26 and that following the hearing, the Board of Registered Nursing issue a decision:

27 1. Revoking or suspending Registered Nurse License Number 535912, issued to Molly
28 Louise Rombalski.

2. Ordering Molly Louise Rombalski to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

3. Taking such other and further action as deemed necessary and proper.

DATED: _____

4/20/10

Louise R. Bailey

LOUISE R. BAILEY, M.ED., RN

Interim Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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